

**Notice of Allowability**

Application No.

09/283,389

Applicant(s)

WALKER ET AL.

Examiner

Art Unit

James W. Myhre

3622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on April 15, 2005.
2. ☒ The allowed claim(s) is/are 1-91 and 101-121.
3. ☒ The drawings filed on 4/1/99 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on April 15, 2005 is sufficient to overcome the Walker et al (6,658,390) reference by filing a terminal disclosure and incorporating a priority claim to the reference within the specification. The amendment amended the specification and Claim 46. Claims 92-100 were previously canceled. The currently pending claims considered below are Claims 1-91 and 101-121.

### ***Double Patenting***

2. The amendment filed on April 15, 2005 overcomes the obvious double patenting rejection in paragraph 6 of the January 19, 2005 Office Action by filing a terminal disclaimer to the prior patent. Therefore, the Examiner hereby withdraws that rejection.

### ***Claim Rejections - 35 USC § 101***

3. The amendment filed on April 15, 2005 overcomes the rejection of Claims 46-66 in paragraph 7 of the January 19, 2005 Office Action and places the claims within statutory subject matter by adding technological limitations to the parent claim (Claim 46). Therefore, the Examiner hereby withdraws that rejection.

### ***Allowable Subject Matter***

4. Claims 1-91 and 101-121 are allowed.

***Examiner's Statement of Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance:

The invention pertains to a system and method for offering a second product to the owner of a first product in exchange (i.e. trade-in) of the first product. The offer is initiated by the receipt of an inquiry about the first product from a second party.

While leasing and rental agreements which include return (trade-in) terms for the product at the end of the lease/rental agreement are well known, the trade-in offers are not initiated by a second party inquiring about the first product but automatically occur at the pre-designated time.

Prior art was also found which disclosed a system and method for trading collectables in which a facilitator, such as a collectable auction site, maintains records of products and their buyers (Woolston, US 5,845,265)(Scroggie et al, WO 97/23838). When a second party inquires about a product, the system can retrieve the data (e.g. name and address of the buyer) from the database to enable the second person to contact the buyer and negotiate a transactions (Woolston, US 5,845,265). However, the facilitator does not send an offer to the buyer for a second product in exchange for the first product.

Thus, the Examiner considers the non-obvious novelty of the invention to be the supplier transmitting to a buyer of an item an offer to "trade-in" the product for a second item, with the offer being initiated by the supplier receiving an inquiry about the product from a second person as disclosed in independent claims 1, 24, 46, 67, and 101.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached Monday through Thursday from 5:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (571) 272-6724. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9306. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.



JWM  
June 9, 2005



James W. Myhre  
Primary Examiner  
Art Unit 3622